Secto. H.-37—100,000—21-5-38.

Development (1948) Department

SERIES.

G.O. No. 3683

Dated 10-7-48

[Despatch Abstract.]

Acts and Rules - Agricultural Produce (Grading and Marking) Act 1937 - Delegation of powers to Madras Government - Notification of the Government of India - Communicated to the Director of Agriculture.

No. F.2-137/46-Co.
GOVERNMENT OF INDIA.
MINISTRY OF AGRICULTURE.

New Delhi dated the 21st February 1948.

From

S.R. Maini, Esq., P.C.S.,
Deputy Secretary to the Government of India.

To

The Secretary to the Government of Madras,
Development Department,
Fort St. George, M a d r a s.

Subject: Marketing - Grading of eggs and oranges in Madras - Cost of quality Control Recovery from trade -

Sir,

I am directed to refer to the correspondence resting with your letter No.44105-G/46-17, dated the 13th November, 1947, and to forward herewith, for the concurrence of the Provincial Government, the draft of a Notification which the Government of India propose to issue in exercise of the powers conferred on them under sub-section (1) and (4) of Section 124 of the Government of India Act, 1935, with the object of enabling the Government of Madras to perform, on their behalf, certain functions of the Government of India under the Agricultural Produce (Grading and Marketing) Act, 1937, in so far as grading of eggs and oranges is concerned.

2. The functions proposed to be delegated to the Provincial Government are detailed in clauses (a) to (f) of the General Grading and Marketing Rules, 1937, and it is contemplated that these will be performed by the Provincial Marketing and Assistant Marketing Officers in the same manner as is done by the Agricultural Marketing Adviser to the Government of India under the above provisions. The Government of India are advised that the power of the Agricultural Marketing Adviser under the above rules to exercise the various functions will not be impaired by the proposed delegation in favour of certain Provincial officers and it is anticipated that there will not be any conflict in several officers performing these functions. In respect of the functions devolving on an inspecting officer under clause 4 (e) of the General Grading and Marketing Rules, however, the Government of India feel that it will be advantageous to lay down a modus-operandi for the guidance of the officers concerned. The first part of the rule is explicit in that it allows any officer, duly authorised, to remove grade designation marks from misgraded produce. In cases where such removal of grade designation marks is done in respect of produce in the possession of a distributor, subsequent part of the rule provides that the distributor, can, when so adjudged by the Agricultural Marketing Adviser to the Government of India, be granted compensation. I am to request that action under this provision should be resorted to in exceptional cases and that the facts of the case should be reported by the Provincial Marketing Officer, Madras, to the Agricultural Marketing Adviser to the Government of India® is, it is felt, better equipped to assess the loss, if any, sustained by the distributor, and by virtue of his power under rule 3 of the General Grading and Marking Rules, 1937, to grant Certificates of Authorisation, he is also in a better position to deal with the authorised packer of the commodity who will have to pay the compensation.

3. I am also to request that in regard to clause (1)

® where such action is considered essential. The Agricultural Marketing Adviser to the Govt of India

12.

of the enclosed draft notification, the Provincial Government will kindly consult the Government of India before they prescribe any charges on grade designation marks. The grade designation marks or implements used in their reproduction will be supplied by the Agricultural Marketing Adviser to the Government of India who may like to recover their cost under the rules which may be framed under section 3 (f) of the Act. Secondly, some part of the quality control arrangements may still have to be made by the Central Government who will find it convenient to recover the cost thereof along with the levy by Provincial Government. The Government of India hope that if any such recovery is to be made for them, the Government of Madras will have no objection to make lump sum payment to them and adjust the over all expenditure against the levy which the Provincial Government may proceed to make under section 3 (f) of Agricultural Produce (Grading Marketing) Act, 1937.

I have the honour to be,
Sir,
Your most obedient Servant,

Sd. x x x
Deputy Secretary to the Government of India.

/True Copy/

DRAFT NOTIFICATION.

In exercise of the powers conferred by the Sub-section (1) and (4) of section 124 of the Government of India Act, 1935, the Governor General is pleased, with the consent of the Government of Madras, to entrust

(i) to the Government of Madras, the functions of the Central Government under section 3 (f) of the Agricultural Produce (Marketing and Grading) Act, 1937 to make rules for the Province providing for the payment of any expenses incurred in connection with measures for the control of the quality of the eggs and oranges marked with grade designation marks including testing of samples and inspection of such articles; and

(ii) to the Provincial Marketing Officer and the Assistant Marketing Officers, Madras Province, the functions of the Agricultural Marketing Adviser under clauses (a), (b) (c), (d); (e) and (f) of rule 4 of the General Grading Rules 1937, inrelation to the grading and marking of the eggs and oranges by persons authorised in that behalf.

Development Department.
Letter No.44165 G/46-21. datee 6-5-48.

To
The Deputy Secretary to the Government of India,
Ministry of Agriculture,
New Delhi.

Sir,

Sub: Marketing - Grading of eggs and oranges in Madras - Cost of quality control - Recovery from trade - Draft Notifications.

Ref: Correspondence resting with your letter No. F.2-137/46-CO dated 21-12-48.

I am directed to state that the Government or Madras have no objection to the issue of a notification as suggested by the Government of India in their letter cited, and that they also generally agree th with the views expressed in the letter.

I am also to request that this Government may be informed of the defision of the Government of India in the matter.

y.o.s.
Sd. x x x
19-4-48.

Copy to the Director of Agriculture.

No.F.2-137/46-CO.,
Government of India,
Ministry of Agriculture,
New Delhi, the 21st June, 1948.

NOTIFICATION.

In exercise of the power conferred by the Sub-Sections (1) and (4) of section 124 of the Government of India Act, 1935, the Governor General is pleased, with the consent of the Government of Madras, to entrust.

(i) to the Government of Madras, the functions of the Central Government under section 3 (f) of the Agricultural Produce Grading and Marking Act, 1937 to make rules for the provinces providing for the payment of any expenses incurred in connection with measures for the control of the quality of the eggs and oranges marked with grade designation marks including testing of samples and inspection of such articles; and

(ii) to the Provincial Marketing Officer and the Assistant Marketing Officers, Madras Province, the functions of the Agricultural Msrketing Adviser to the Government of India under clauses (a), (b), (c), (d), (e), and (f) of rule 4 of the General Grading and Marking of Rules 1937, in relation to the grading and marking of eggs and oranges by persons authorised in that behalf.

Sd. x x x
JOINT SECRETARY.

To the Publisher,
Gazette of India,
NEW DELHI.

/True Copy/

Copy forwarded to the Government of Madras, Development Department for information (with reference to their letter No.664 44165-6/46 dated the 6th May, 1948).

GOVERNMENT OF MADRAS.
Abstract.

ACTS AND RULES - Agricultural Produce - (Grading and Marking) Act, 1937 - Delegation of powers to Madras Government - Notification of the Government of India - Communicated to the Director of Agricuture.
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Development Department.

G.O. Ms. No. 3683. Dated 10th July 1948.
Read the following:

From the Director of Agriculture, D.Dis.C.599-48 dated 1-4-48.

O R D E R:

The notification of the Government of India, Ministry of Agriculture, No.F.2-137/46-Co is communicated to the Director of Agriculture

2. The Director of Agriculture is requested to submit a draft of rules, for recovery of cost from the trade in respect of grading of eggs and oranges in this Province, for the consideration of Government. The Director's attention is in this connection invited to the letter from the Government of India No.F.2-137/46-co dated 21-2-48 communicated to him with Government Memo.No. 44165 G/47-19 dated 10-3-48.

(BY ORDER OF HIS EXCELLENCY THE GOVERNOR)

Sd. x x x
Secretary to Government.

To the Director of Agriculture.

/True Copy/

Office Assistant,
MADRAS RECORD OFFICE.

ss/9-9.